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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,522	06/22/2006	Mikko Porma	0837-0193PUS1	3457

2292 7590 10/10/2007

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EXAMINER	
BRAHAN, THOMAS J	
ART UNIT	**PAPER NUMBER**
3654	

NOTIFICATION DATE	DELIVERY MODE
10/10/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/564,522	PORMA ET AL.	
	Examiner	Art Unit	
	Thomas J. Brahan	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/28/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

2. Claims 1-5 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document. For example:

a. In claim 1, lines 4-6, the limitation "if the velocity request is changed, an acceleration sequence for the corresponding velocity change is formed and stored, after which, irrespective of whether the velocity request has changed" is not understood. The limitation begins state that a velocity request change is needed to perform the step and ends by stating the velocity request does not need to be changed. The limitation is also unclear as it refers to "if the velocity request is unchanged" without specify which of the plurality if velocity requests recited within the claims is being considered as unchanged.

b. In claim 1, line 7, the limitation "summing the velocity changes defined by the stored acceleration sequences at a particular time" is unclear. Should this be "after a particular time interval" or is this summing occurring at the same time each day?

c. In claim 1, line 11, the term "the summed acceleration sequences" lacks antecedent basis within the claim. Note the claim has summing the velocity requests, not an acceleration sequence.

d. In claim 1, lines 11 and 12, the term "the definition time" lacks antecedent basis within the claim.

e. In claim 1, lines 12 and 13, the limitation "each program round, i.e. control step (sample interval) and performing the rest of them as delayed, reading and summing the stored sequence parts to be performed as delayed on a plurality of program rounds" renders the claims indefinite as failing to positively claim the structure of the invention. The term "i.e." is awkward, and placing a third term "sample interval" in parenthesis, appears to indicate that the program round, *id est* the control step, is also considered as the sample interval.

f. In claim 1, lines 11-13, the limitation "performing some of the velocity changes defined by the summed acceleration sequences at the definition time of each selected sequence on each program round, i.e. control step (sample interval) and performing the rest of them as delayed" is not understood. First because the velocity changes were summed not the acceleration sequences. It is also confusing to have some of the changes performed at the definition time at each program round, and the rest delayed. The term "at each program round" has the change from the second program round performed delayed from the first program round, and the change from the third program round performed delayed from the first two program rounds. How are "the rest of them" considered as delayed?

g. In claim 2, the term "the stored sequence parts" lacks antecedent basis within the claims.

h. In claim 3, the terms "the reading and summation interval", "the stored sequence parts" and "the

stored sequence parts to be performed" lack antecedent basis within the claims.

i. In claim 4, the term "the parts of the sequences to be performed" lacks antecedent basis within the claims.

j. In claim 5, the terms "the velocity actual value" and "the set maximum value for acceleration or deceleration at most" lack antecedent basis within the claims. Claim 5 appears to be grammatically incomplete. It not understood, and has not been included below with the rejections based on prior art.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

5. Claims 1 and 4, as best understood, is rejected under 35 U.S.C. § 102(b) as being anticipated by Hytönen. Hytönen discloses a method for controlling a crane which stores and compares velocity requests as control sequences and modifies the crane velocity in program rounds or intervals, as to have some speed changes delayed, as the claims are best understood, reading and summing the stored sequence parts to be performed as delayed on a plurality of program rounds. Hytönen uses an execution table (14), using a two-elements, velocity change (acceleration) and time, as recited in claim 4.

6. Claims 2 and 3, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hytönen. Hytönen discloses the basic claimed method for controlling a crane which stores and compares velocity requests to smooth them. The time intervals for the summing steps, as recited in claim 2 and 3, would have been design considerations which would have been obvious, i.e. not beyond the limits of one of ordinary skill in the art at the time the invention was made by applicant.

7. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Mr. Peter Cuomo, can be reached at (571) 272-6856. The fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9/23/07

Thomas J. Brahan
Primary Examiner
Art Unit 3654